

Item No. 12a.ii

AGENDA ITEM MEMORADUM

Development Services

Department

Linda Connors *LC*Town Planner *LC*

COMMISSION MEETING DATE (*) - 7:00 PM	Deadline to Town Clerk
<input checked="" type="checkbox"/> March 13, 2012	March 2, 2012

***Subject to Change**

- | | | | |
|---------------------------------------|---|---------------------------------------|--|
| <input type="checkbox"/> Presentation | <input type="checkbox"/> Reports | <input type="checkbox"/> Consent | <input checked="" type="checkbox"/> Ordinance |
| <input type="checkbox"/> Resolution | <input type="checkbox"/> Quasi-Judicial | <input type="checkbox"/> Old Business | <input type="checkbox"/> New Business |

☒ **FY2012 DESIGNATED HIGH PRIORITY ITEM - PRIORITY TOPIC**
TOPIC – IMPLEMENTATION OF PLANNING PRIORITIES

SUBJECT TITLE: Proposed Amendments to Chapter 30 of the Code to Support Hotel Uses

BACKGROUND: At the last commission meeting, we presented proposed changes to Chapter 30 that would implement the Commission's Planning Priority #2 which directed staff to preserve the Town's hotel districts. The proposed Ordinance 2012-06 (**Exhibit 1**) implements these recommendations.

Ordinance 2012-06 encourages hotel use, discourages the conversion of existing hotels to residential and other nonresidential uses, and clarifies existing language as it pertains to hotel uses and regulations. Proposed amendments that benefit hotel uses in the RM-25 zoning district include the following:

- eliminate the restrictions that prohibit hotels, motels and apartment hotels that are 100 units or more from advertising special accessory uses [restaurants and gift shops] and removing off-street parking requirements for such special accessory uses;
- allow up to 25% of required parking to be provided as bicycle parking, at a four bike space to one car space ratio, when located on a hotel or motel site;
- revise the definition of bed and breakfast to clarify that this type of lodging is also allowed where hotel uses are permitted;
- remove the prohibition of signs advertising accessory uses;
- clarify that bed and breakfast establishments may have shared bathrooms; and
- eliminate the requirement for resident supervision when associated with an apartment hotel.

Additionally, in order to discourage the conversion of existing hotel uses to residential uses, a requirement for conditional use procedure is proposed for several currently permitted uses including single family and duplex residential uses, residential, group and foster homes, church parish buildings and home office uses. Conditional uses require review by the Development Services Department, Planning and Zoning Board and then Town Commission approval (Section 30-56 of the Town code).

We are also proposing eight (8) additional modifications to provide clarity to the code and improve the overall organization of the current code provisions. These changes are outlined in **Exhibit 2**.



We retained the services of a lodging industry expert, Mr. Scott Brush of Brush & Company, to review the results of this study and provide his input regarding the proposed changes. Mr. Brush supports the changes to the code that result in the preservation of the Town's hotel industry.

Additionally, we retained the services of a transportation and parking expert, Mr. Alan Tinter, PE with IBI Group, to review the proposed changes to the parking regulations for accessory hotel uses and the proposed exemption for bicycle parking for hotel uses. Mr. Tinter supports the hotel parking and hotel bicycle exemption changes as proposed.

RECOMMENDATION: Staff recommends approval of the attached Ordinance 2012-06 (Exhibit 1) and setting the second reading for April 10, 2012.

EXHIBITS:

- 1 –Ordinance 2012-06
- 2 – Summary of Proposed Hotel Code Changes
- 3 – RM-25 Boundary Map
- 4 – Notice of Public Hearing

Reviewed by Town Attorney

☒ Yes ☐ No

Town Manager Initials CD

ORDINANCE NO. 2012-06

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-
THE SEA, AMENDING CHAPTER 30, UNIFIED LAND
DEVELOPMENT REGULATIONS, ARTICLE V. ZONING,
SECTION 30-241, RM-25 DISTRICT – APARTMENTS TO
PROVIDE CLARIFYING LANGUAGE AND
CONDITIONAL USE REVIEWS FOR CURRENTLY
PERMITTED USES; ARTICLE V. ZONING, SECTION 30-
20, GENERAL PROVISIONS TO REVISE DEFINITIONS
TO PROVIDE CLARITY AND DELETE UNUSED
DEFINITIONS; AMENDING ARTICLE V. ZONING,
SECTION 30-318, MINIMUM PARKING REQUIREMENTS,
TO PROVIDE A LIMITED PARKING EXEMPTION IN
EXCHANGE FOR BICYCLE FACILITIES FOR
HOTEL/MOTEL USES; PROVIDING FOR
CODIFICATION, SEVERABILITY, CONFLICTS AND AN
EFFECTIVE DATE

WHEREAS, the Town Commission recognizes that changes to the adopted Code of
Ordinances are periodically necessary in order to ensure that the Town's land development
regulations are current and consistent with the Town's planning and regulatory needs; and

WHEREAS, the Town Commission desires to provide for clarity related to hotel/motel
and apartment uses in the RM-25 Zoning District and related definitions to assist in the
interpretation and implementation of the Unified Land Development Regulations; and

WHEREAS, the Town Commission desires to clarify the hotel/motel nature of the RM-
25 District and implement conditional use review for those currently permitted uses which may
be less compatible with the current character of the District; and

28 **WHEREAS**, the Town Commission recognizes the tourist orientation of the Community,
29 the implementation of new bicycle friendly programs in the Town, and the desirability of
30 encouraging bicycle transportation and reducing vehicular traffic; and

31 **WHEREAS**, the Town Commission desires to provide for a limited, partial parking
32 exemption for hotels/motels which provide alternate bicycle parking facilities; and

33 **WHEREAS**, Section 30-531 of the Code requires issuance of a Notice of Intent prior to
34 the processing of any amendment to the land development regulations in Chapter 30 of the Code,
35 and such notice was given of this amendment on November 29, 2011; and

36 **WHEREAS**, the Planning and Zoning Board, sitting as the Local Planning Agency, has
37 reviewed this Ordinance at a duly noticed hearing on March 21, 2012, and recommended
38 _____; and

39 **WHEREAS**, the Town Commission conducted a first and second reading of this Ordinance
40 at duly noticed public hearings, as required by law, and after having received input from and
41 participation by interested members of the public and staff, the Town Commission has determined
42 that this Ordinance is consistent with the Town's Comprehensive Plan and in the best interest of the
43 Town, its residents, and its visitors.

44 **NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF**
45 **THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AS FOLLOWS:**

46
47 **SECTION 1. Recitals.** The foregoing "Whereas" clauses are ratified and confirmed as
48 being true, correct and reflective of the legislative intent underlying this Ordinance and are
49 hereby made a specific part of this Ordinance.

SECTION 2.Amendment. Section 30-241 of Chapter 30 is hereby amended¹ as

follows:

Sec. 30-241. - RM-25 district—Apartmentsand Lodging.

1. The following part of the platted area of Unit "A" of the inclusive subdivision known as Silver Shores is zoned as RM-25 district: All of Block 1; Lots 2, 3 and 4 of Block 2; Lots 5 and 6 of Block 3; Lots 5 and 6 of Block 4; Lots 5 and 6 of Block 5; and Lot 1 of Block 6. All other parts of the Town of Lauderdale-By-The-Sea, except Units "A" and "B" of the inclusive subdivision known as Silver Shores, the inclusive subdivision known as Beverly Shores (zoning for which is provided in this article) and Lots 21 and 22, Block 1, of the subdivision known as Lauderdale Surf and Yacht Estates, not specifically set out in the preceding sections, is zoned as RM-25 district.

2. ~~(a)~~Use.

No building or premises shall be used and no building with the usual accessories shall be erected or altered other than a building or premises arranged, intended or designed for any one or more of the following uses: ~~Single family residence, duplex,~~

(a)Permitted Uses:

(1) ~~a~~Apartmenthouse;and

(2) ~~h~~Hotel.

(b). ConditionalUses:The following uses may be permitted, subject to the requirements for Conditional Use Review as set forth in Section 30-56 of the Town Code:

(1) ~~single-family residence;~~

(2) ~~duplex;~~

(3) group or foster homes (as defined in the Town's land use plan as special residential facilities category 1 and 2);

(4) church or parish building;

(5) office of professional person residing on premises, such as architect, real estate broker, physician, dentist, engineer, lawyer, and customary home occupations when conducted on the premises, such as dressmaker, millinery and sewing, provided there is no display of goods or advertising other than a small name plate, and that area for such occupation shall not constitute more than one-third of the area of such residential building.~~Construction limited to one building on lots of 80 feet or less in width.~~

¹ Words in ~~strike through~~ type are deletions; words in underlined type are additions.

82 (c) Temporary Uses: A temporary real estate sales office may occupy an existing structure prior to
83 the removal of said structure provided the parcel has an active Town Commission approved
84 site plan and adequate parking spaces for the sales use. The temporary sales office shall not
85 exceed 1,000 square feet. The temporary sales office must be approved by the Town
86 Commission in conjunction with the Commission's approval of the site plan, or by other
87 separate consideration, and shall not be allowed to remain in use for more than six months
88 from the effective date of site plan approval unless time extensions are granted by the Town
89 Commission.

90 ~~(b)~~ (d) Special accessory uses.

91 (1) Hotels, motels and apartment hotels, with a minimum of 100 dwelling units or more may
92 provide restaurants and gift shops when the uses are an ancillary use to the primary
93 hotels or residential use, subject to the following: ~~There shall be no signs or advertising~~
94 ~~relating to such special accessories uses on the exterior or interior of the building visible~~
95 ~~from any street, waterway, oceanfront, or adjacent property.~~

96 a. The maximum size of floor area of said uses, either individually or in total, shall not
97 exceed 4,000 square feet or five percent of the total building floor area.

98 ~~Off-street parking for said uses shall be provided according to requirements of the~~
99 ~~Town's Code.~~

100 (2) Parking shall be permitted as an accessory use.

101
102 (3) Bicycle Parking when accessory to a hotel or apartment hotel use, shall be permitted in
103 lieu of providing required off-street parking, as specified in Section 30-318 Minimum
104 parking requirements (c) Hotels and Motels.

105
106 (4) Vacation rental is a permitted accessory use if a vacation rental certificate is first obtained
107 pursuant to section 30-327.

108 ~~(e)~~ (e) Site plans to be approved.

109 Any development in the RM-25 district shall be permitted only upon review and approval of
110 plans for such development by the procedures provided in Article IV of this chapter. In reviewing
111 development plans, the Board shall consider the effect of the proposed development on existing
112 and future buildings in the vicinity and may impose conditions and restrictions upon the
113 construction, location and operation of any development, including but not limited to lighting,
114 building, setbacks, off-street parking and loading, vehicular accessway and landscaping, as may
115 be deemed necessary to promote the general objective of this subdivision and to minimize any
116 injury to the value of the property in the neighborhood. All building or structures shall be of
117 C.B.S. or reinforced concrete construction and shall be designed with every practical
118 consideration for appearance, safety, fire protection, health, light and air. All final plans and

specifications of any building or structure shall be approved by the Town Building Inspector.
Failure to maintain such conditions and restrictions as may have been imposed shall constitute a
violation of this subdivision.

~~(d)~~(e) Height.

(1) No building shall be erected or altered exceeding three stories which shall not be higher than
33 feet above normal grade level. Elevator shafts or stairways shall not be subject to this
height limit.

(2) The rooftop of a three story structure, may be used for passive recreational purposes only
provided:

- ~~a.~~ No permanent structures are erected, following the level of review set forth below;
- ~~b.~~ The area of the roof to be used shall be limited to 35 percent of the square footage of
the enclosed floor area of the floor below;
- ~~c.~~ Permanent roofs, awnings and canopies are prohibited;
- ~~d.~~ All passive recreational items shall be temporary (non-permanent) and portable in
nature;
- ~~e.~~ The temporary items shall not be visible when viewed at eye level (five feet to six feet
from grade) from a point opposite the structure on the opposite side of the adjacent
right-of-way;
- ~~f.~~ For corner properties, the temporary items shall also not be visible when viewed at
eye level from the diagonal corner at the opposite side of the right-of-way and from
the opposite side of the side street right-of-way;
- ~~g.~~ All parapets, railings and code required safeguards shall remain free from towels or
other passive recreational use objects;
- ~~h.~~ Site plan approval is required for passive recreational use of the rooftop.
- ~~i.~~ All passive recreational rooftop use requires a conditional use permit, subject to the
requirements for Conditional Use Review as set forth in Section 30-56 of the Town
Code
 - i. Transient uses. A Conditional use permit for transient uses such as hotel, motel,
apartment building, condominium, or time share will be issued for a period of
one year. The transient use shall apply for renewal of the permit annually to the
Town Manager, prior to re-issuance. The conditional use permit may be
renewed if the Town determines that (a) the conditional use does not adversely
impact neighboring properties and (b) it complies with the conditions of site
plan approval. An administrative decision not to renew a rooftop use may be
appealed to the Town Commission by the property owner. An administrative
decision to renew a rooftop use may be appealed to the Town Commission by a
neighboring property owner. The Town Commission's decision on appeal shall
constitute a final development order.

158 ii. Non-transient uses. A passive recreational rooftop use for a non-transient
159 residential property is exempt from the annual review for such roof tops for
160 transient uses.

161 ~~For the purpose of this section, "apartment building" is defined as a residential rental property with four~~
162 ~~or more dwelling units.~~

163 (3) Ground floor elevation required to be not less than eight feet above the mean sea level in
164 the oceanfront. Federal Department of Housing and Urban Development, Federal
165 Insurance Administration, designations of special hazard areas show base flood elevations
166 above mean sea level as six feet for Zone A-1 and eight feet for Zones V-1 and V-2. All new
167 buildings or additions to existing buildings shall conform to these minimum standards.

168 ~~(e)~~—(f) Seawalls.

169 Approval shall be given for the construction of seawalls of barriers for the protection of property
170 situated east of El Mar Drive of projection thereof against erosion, riptide or other hazards, such as
171 windstorms and hurricanes, provided that the same shall be of the retaining type waterfront
172 construction erected in accordance with standard structural practices and design. No physical part of
173 said seawall shall extend eastward from the front lot line a distance greater than the distance
174 specifically shown for the respective lots in the tabulation herein, and shall not exceed in height of over
175 three feet, six inches as measured from the contour or crown of El Mar Drive at a point directly in front
176 of the lot upon which erected. Plans and specifications for all such seawalls or barriers shall be
177 submitted to the building inspection department for approval before starting any construction,
178 renovation or removal of same.

179 ~~(f)~~—(g) Intra lot placement.

180 All buildings or structures which are grouped together shall be separated by a minimum distance equal
181 to 20 lineal feet including roof overhangs, cornices, and eaves. If the walls of adjacent buildings or
182 structures are not parallel, the distance measured on a straight line connecting the midpoints of the two
183 oblique walls shall be considered as the line along which the building separation requirement shall be
184 measured, but in no instance shall the minimum distance between buildings or structures be less than
185 20 lineal feet at any point. Air conditioning units and other mechanical structures may not be installed
186 on either adjacent wall less than 20 feet apart.

187 ~~(g)~~—(h) Foundations.

188 Foundations of all hotel buildings must conform with specifications of the State Hotel Commission and
189 Building Inspector of the Town of Lauderdale-By-The-Sea.

190

191

192 ~~(H)~~ (i) Size of buildings.

193 Minimum ground floor area, 1,200 square feet on inland lots, 1,300 square feet on waterfront lots.

194 ~~(i)~~ (j) Buildings facing two streets.

195 Any building extending from street to street shall have two building fronts, and observe applicable

196 setbacks on both streets with the exception of Block 30 between Datura Avenue and Hibiscus Avenue

197 where the setback on Bougainvilla Drive shall be a minimum of 20 feet.

198 ~~(j)~~ (k) Apartment sSetbacks.

199 (1)Front setbacks. No building, or part of building, shall be set closer than 25 feet to the street line upon

200 which the front of said building shall face, provided that each building shall be considered as having one

201 front, and provided that in no event shall the setback from the front line be greater than 35 feet unless

202 approval is given by the Board of Adjustment. In the case of a building being erected on a lot where

203 there is a building each on the adjacent lot, the setback need not be greater than that of the building set

204 farthest back from the street line. In the case of a building being erected on a lot where there is a

205 building on one adjacent lot, the setback need not be greater than ten feet more than the setback of the

206 adjacent building.

207 (2)Structures east of El Mar Drive. No part of any building or seawall on the east side of El Mar Drive

208 shall extent eastward from El Mar Drive to a distance greater than the distance specifically shown for

209 the respective lots in the tabulation set out this subsection:

Block	Lot	Feet
1(A)	1	137
	2	137
	3	137
	4	137
	5	137
	6	137
	7	137
	8	138
	9	139
	10	140
	11	141
2	1	146
	2	146
	3	146
	4	146
	5	146

7

Blue Text has been deleted from one section and moved to another location(s).

Red Text has been added or deleted for clarification or to address issues.

	6	146
	7	146
	8	146
	9	147
	10	148
	11	149
	12	150
3	1	152
	2	153
	3	154
	4	155
	5	158
	6	161
	7	164
	8	167
	9	170
	10	173
	11	177
	12	178
4	1	179
	2	184
	3	189
	4	194
	5	199
	6	200
	7	200
	8	200
	9	201
	10	201
	11	201
	12	201
5	7	201
6	7	201
7	1	210
	2	203
	3	196
	4	192
	5	188
	6	184
	7	179
	8	173

Blue Text has been deleted from one section and moved to another location(s).
Red Text has been added or deleted for clarification or to address issues.

210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255

	9	167
	10	161
	11	155
	12	149
	13	143
8	1	138
	2	131
	3	125
	4	125
	5	125
	6	125
	7	121
	8	117
	9	113
	10	109
	11	105
	12	101
	13	106
	14	111
	15	117
	16	122
	17	127
9	1	136
	2	136
	3	136
	4	136
	5	136
	6	136
	7	136
	8	136
	9	136
	10	137
	11	138
	12	139
	13	140
	14	140
	15	142
	16	143
	17	144

9
Blue Text has been deleted from one section and moved to another location(s).
Red Text has been added or deleted for clarification or to address issues.

256
 257 (3)Corner setback. For a corner lot, the setback from the side street line shall be not less than ten
 258 feet, provided that if the height of the building exceeds 22 feet the setback shall be 15 feet.

259 (4)Side setbacks. Side setbacks shall not be less than ten feet, with the proviso that if the height of
 260 the building exceeds 22 feet, the ten-foot setback shall be increased by one foot for every two
 261 feet by which the height of the building exceeds 22 feet. Lots on the intracoastal or inland
 262 waterways, where the side of said lot abuts the waterway, shall have a setback of not less than 12
 263 feet from the seawall.

264 (5)Side roof overhangs. Side roof overhangs, cornices or eaves shall not extend closer than five
 265 feet to the side line.

266 (6)Length of building. No building shall be erected or altered to a length exceeding 200 lineal feet.

267 (7)Rear roof overhangs. Rear roof overhangs, cornices or eaves shall not extend closer than two
 268 feet to the rear line.

269 ~~(k)~~ (l)Rear setback requirements. No building or any part thereof shall be erected on any lot closer than
 270 ten feet from the rear lot line, provided that where the height of the building exceeds 22 feet, the ten-
 271 foot minimum setback shall be increased by one foot for each four feet by which the height of the
 272 building exceeds 22 feet.

273 Notwithstanding the setback requirements hereinbefore specified, all new buildings or additions to
 274 existing buildings shall be located not less than 50 feet from the mean high waterline of the Atlantic
 275 Ocean, as required by the Florida State Department of Natural Resources.

276 Where a plot for development consists of two or more platted lots abutting or adjoining each other on
 277 their rear lot lines, there shall be a rear setback of not less than 12 feet in depth immediately adjacent to
 278 the rear lot line of each such abutting or adjoining platted lot.

279 ~~(l)~~ (m) Open area. Every plot used for multi-family or hotel structures shall have not less than 25
 280 percent of the total setback area required by the Zoning Code to be open and not occupied by any
 281 roofed structure. This 25 percent of the required setback shall be landscaped with trees, shrubs, hedges
 282 and flower beds and grass. Hedges shall not be over three feet in height. Trees and shrubs shall not
 283 obscure vision of traffic.

284 The remaining 75 percent of the required setback area may be used for pools, aprons, recreation,
 285 parking and other open uses. This 75 percent shall be suitably landscaped. All landscaping shall be
 286 properly watered and maintained in a clean, properly trimmed and healthy condition.

287 ~~(m)~~ (n) Density. Required lot area shall be at least 1,742 feet per kitchen dwelling unit and at least 871
 288 square feet per hotel room, (1,742 square feet for condominium). Net density of development shall not
 289 exceed 25 kitchen dwellings units or 50 hotel rooms per acre of site (25 units per acre for condominiums

290 and apartments). In computing the permissible number of units for a given site, one-half or more of a
291 unit shall be counted and permitted as a full unit in meeting density limits.

292 The square footage defined herein is intended to prohibit the flexibility of rental units constructed in
293 RM-25 zoned areas contrary to the intent of the Zoning Code. Each unit or room with an attached bath
294 and separate door leading to the outside or to a corridor, alley, or other outside exit shall be considered
295 one rental accommodation unit.

296 ~~(n) — (o) Reserved.~~ Number of buildings. Construction shall be limited to one building on lots of 80 feet or
297 less in width.

298 ~~(e) — (p)~~ Storm drainage. All construction shall include provision for drainage or catch basins and
299 adequate drainfields, properly located in all areas where stormwater is sealed out by paving or
300 otherwise, or where water is drained from the roof of a structure. Where the roadside swale is paved as
301 an approach to a driveway or parking areas for the construction, owner may use the swale area for
302 installation of the catch basins and drainfields prior to paving. Owner will be responsible for
303 maintenances of these drainage facilities constructed for the benefit of his property. All such
304 construction shall be subject to the approval of the Town Inspector.

305 **SECTION 3.Amendment.** Section 30-20 of Chapter 30 is hereby amended as follows:

306 Sec. 30-20. - General provisions.

307 * * *

308 (i) Definitions.

309 * * *

310 (4) Terms defined.

311 * * *

312 Apartment building. A residential rental property with four or more dwelling units.

313 * * *

314 Dwelling, apartment hotel. A building designed for, or containing, both apartment dwellings and
315 individual hotel guest rooms ~~under resident supervision.~~

316 Dwelling, apartment motel. See apartment hotel.

317 Dwelling, bed and breakfast. A building or part thereof, ~~other than a motel or hotel.~~ Where
318 sleeping accommodations and breakfast are provided for transient guests, and which also serves
319 as the residence of the operator. A bed and breakfast may provide bathroom facilities that serve
320 more than one room or one unit.

321 Dwelling, condominium hotel. A hotel or motel comprised of units that are owned by an
322 individual, corporation, or any other legal entity having mandatory membership into an
323 association comprised of all owners within the same development, and is a building or buildings
324 collectively, "facility" containing individual guest rooms, units, or efficiencies for which daily,
325 weekly or monthly lodging is provided as transient accommodations.

326 * * *

327 Hotel. One or more buildings or structures, or part of one or more buildings or structures kept,
328 used, advertised as or held out to be a place where sleeping accommodations, with or without
329 meals, are provided for transient lodgers; and, where a guest register or record is kept; and,
330 where except for a bed and breakfast, each room or unit contains a full bathroom consisting of a
331 minimum of a toilet, sink and shower or bathtub; and, where no kitchen ~~facilities~~are provided.

332 * * *

333 Short term tenancy uses. As used in Section 30-242, short term tenancy uses shall include a
334 hotel, motel or a use comprised of apartment hotel dwellings, apartment motel dwellings, time
335 share dwellings, and bed and breakfast dwellings, as those terms are defined herein.

336 * * *

337 **SECTION 4.Amendment.** Section 30-318 of Chapter 30 is hereby amended as follows:

338 Sec. 30-318. - Minimum parking requirements.

339 (a)Single-family and duplex dwellings: Two parking spaces for each dwelling.

340 (b)Multiple-family dwellings: 1½ parking spaces for each unit with less than three bedrooms and two
341 parking spaces for each unit with three or more bedrooms plus one guest space for every five units. If, in
342 addition to dwelling units, there are other uses operated in conjunction with and/or as a part of the
343 multiple dwelling, additional off-street parking spaces shall be provided for such other uses as would be
344 required by this section, if such uses were separate from the multiple dwelling.

345 (c)~~Hotels, and motels~~and apartment hotels:

346

347 1. One parking space for each rentable touristunit. A rentable touristunit is defined as a unit with
348 an outside entry door and bathroom which can be rented individually. The unit may or may not
349 have ~~a~~kitchen ~~facilities~~. For example, a two-bedroom unit that can be converted to two separate
350 units, each with outside door and bathroom, is counted as two rentable touristunits. A two-
351 bedroom, one-bath unit with only one outside door is counted as one rentable touristunit. If, in
352 addition to rentabletourist units there are other uses operated in conjunction with and/or as

part of the hotel/motel, additional off-street parking spaces shall be provided for such other uses as would be required by this section if such uses were separate from the hotel/motel.

2. Exemption for Bicycle Parking: A hotel or motel use located in the RM-25 zoning district may receive an exemption for up to 25% of the total amount of required parking when bicycle parking is located on the same building site as the hotel or motel, subject to the following:

a. A minimum of four (4) bicycle parking spaces may be provided in lieu of one-vehicular parking space;

b. Each bicycle parking space shall provide for a minimum area of 2 feet by 6 feet;

SECTION 5.Codification. This Ordinance shall be codified in accordance with the foregoing. It is the intention of the Town Commission that the provisions of this Ordinance shall become and be made a part of the Town of Lauderdale-by-the-Sea Code of Ordinances; and that the sections of this Ordinance may be renumbered or re-lettered and the word “ordinance” may be changed to “section”, “article” or such other appropriate word or phrase in order to accomplish such intentions.

SECTION 6.Severability. If any section, sentence, clause, or phrase of this Ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of this Ordinance.

SECTION 7.Conflicting Ordinances. All prior ordinances or resolutions or parts thereof in conflict herewith are hereby repealed to the extent of such conflict.

SECTION 8.Effective Date. This Ordinance shall become effective immediately upon passage on second reading.

Passed on the first reading, this ____ day of _____, 2012.

Passed on the second reading, this ____ day of _____, 2012.

378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402

Mayor RoseannMinnet

	First Reading	Second Reading
Mayor Minnet	_____	_____
Vice-Mayor Dodd	_____	_____
Commissioner Brown	_____	_____
Commissioner Sasser	_____	_____
Commissioner Vincent	_____	_____

Attest:

Town Clerk, June White, CMC
(CORPORATE SEAL)

Approved as to form:

Town Attorney, Susan L. Trevarthen

Summary of Proposed Hotel Code Changes

AMENDMENTS THAT ENCOURAGE HOTEL USE/REDEVELOPMENT

A. Proposed Amendments to Section 30-241 RM-25 district - Apartments:

1. Remove the restriction on hotel, motel or apartment hotel uses with 100 units or more to allow signs or advertising relating to special accessory restaurant and gift shop uses on the exterior or interior of the building visible from any street, waterway, oceanfront, or adjacent property. This change is proposed in that such signage has existed on sites that contained a restaurant in conjunction with the larger hotel facility.
2. Remove the requirement that off-street parking for such accessory uses is required in addition to the parking required for a hotel, motel or apartment hotel use in that such uses are ancillary to the hotel, motel or apartment hotel use and primarily for the benefit of their guests and do not warrant the need for such additional parking to be required.
3. Allow a hotel or motel use when located in the RM-25 zoning district to receive an exemption for up to 25% of the total amount of required parking when bicycle parking is located on the same building site as the hotel or motel use, subject to certain criteria. [See proposed amendments to Section 30-318, below].

B. Section 30-318 Minimum Parking Requirements:

1. Provide for bicycle parking exemption for hotel and motel uses located in the RM-25 for up to 25% of the total amount of required parking when bicycle parking is located on the same building site as the hotel or motel use, and subject to the following criteria:
 - a. A minimum of four (4) bicycle parking spaces may be provided in lieu of one-vehicular parking space; and
 - b. Each bicycle parking space shall provide for a minimum area of 2 feet by 6 feet.

C. Section 30-20 Definitions:

1. Amend the definition of *apartment hotel* to remove the requirement for resident supervision.
2. Remove the phrase "*other than a motel or hotel*" in the definition of *bed and breakfast* to clarify that when a hotel is listed as a permitted use in a zoning district it is interpreted to include bed and breakfast use, as well.

AMENDMENTS THAT DISCOURAGE RESIDENTIAL CONVERSION

A. Proposed Amendments to Section 30-241 RM-25 district - Apartments:

1. Revise the code to require *Conditional Use Review and Approval* for the following uses currently permitted as a means to preserve the integrity of the RM-25 area for apartments and hotel related uses.
 - a. single-family residence;
 - b. duplex;
 - c. group or foster homes (as defined in the Town's land use plan as special residential facilities category 1 and 2);
 - d. church or parish building;
 - e. office or professional person residing on premises, such as architect, real estate broker, physician, dentist, engineer, lawyer, and customary home occupations when conducted on the premises, such as dressmaker, millinery and sewing, provided there is no display of goods or advertising other than a small name plate, and that area for such occupation shall not constitute more than one-third of the area of such residential building.

AMENDMENTS THAT CLARIFY AND IMPROVE ORGANIZATION

A. Proposed Amendments to Section 30-241 RM-25 district - Apartments:

1. Add the word "lodging" to the title of the RM-25 zoning district to properly identify this zoning.
2. Change "office ~~or~~ professional person residing on premises..." to office ~~of~~ professional person residing on premises to clarify that office uses are ancillary uses to persons residing on the premises, and that such uses are not permitted as free standing principal uses, unless otherwise approved consistent with the Town and Broward County Future Land Use Element, which requires the application of Commercial Flex Acreage to allow commercial uses in residential land use designated areas.
3. Provide a reference for clarification to Section 30-56 when Conditional Use Review and Approval is required for rooftop uses.
4. Move the definition of "apartment buildings" to the definitions section of the Code (30-20 Definitions).
5. Clarify that setbacks required in the RM-25 zoning are not only applicable to apartments but that they are also applicable to all uses permitted in the district.

Section 30-20 Definitions:

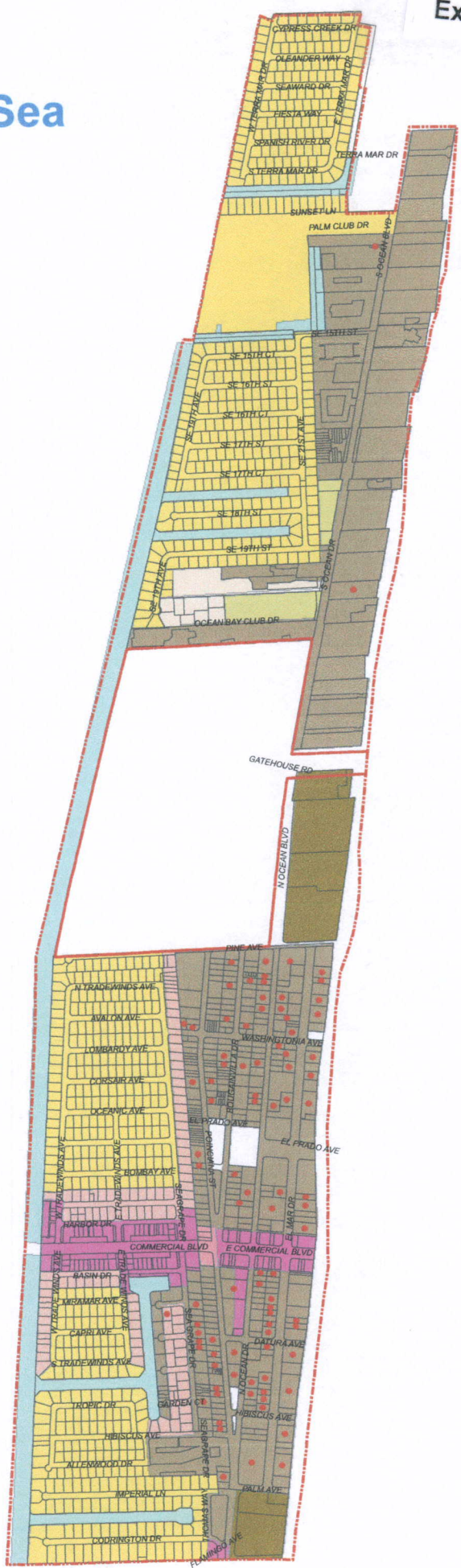
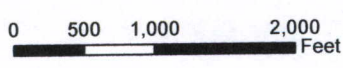
1. Add a reference to *apartment motel* to refer to the definition of *apartment hotel*.
2. Delete the definition of *condominium hotel* in that this use is not referred to in any other section of the code, therefore there is no need for the definition to exist.
3. Remove the word "*facilities*" from the definition of a hotel to clarify that a hotel unit may include some kitchen appliances, such as a microwave, mini refrigerator, coffee maker, and the like, and that the exclusion in the definition is meant to only to prohibit a full kitchen in a hotel unit (with a stove and oven).

Town of Lauderdale By The Sea

Zoning Map with Hotel & Motels

Legend

- Hotels & Motels
- Town Boundary
- Town Zoning Districts**
 - RS-4
 - RS-5
 - RD-10
 - RM-15
 - RM-16
 - RM-25
 - RM-50
 - R-5
 - PUD
 - B-1A
 - B-1
 - WATER

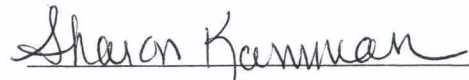


SUN SENTINEL
Published Daily
Fort Lauderdale, Broward County, Florida
Boca Raton, Palm Beach County, Florida
Miami, Miami-Dade County, Florida

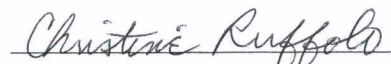
STATE OF FLORIDA

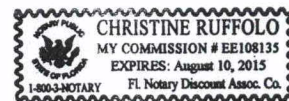
COUNTY OF BROWARD/PALM BEACH/MIAMI-DADE

Before the undersigned authority personally appeared Sharon Kamman who on oath says that he/she is a duly authorized representative of the Classified Department of the Sun-Sentinel, daily newspaper published in Broward/Palm Beach/Miami-Dade County, Florida, that the attached copy of advertisement, being, a NOTICE OF PUBLIC HEARING in the matter of CITY OF LAUDERDALE BY THE SEA, appeared in the paper on MARCH 3, 2012 AD ID 2588493. Affiant further says that the said Sun-Sentinel is a newspaper published in said Broward/Palm Beach/ Miami-Dade County, Florida, and that the said newspaper has heretofore been continuously published in said Broward/Palm Beach/Miami-Dade County, Florida, each day, and has entered as second class matter at the post office in Fort Lauderdale, in said Broward County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant says that he/she has neither paid, nor promised, any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in said newspaper.


Sharon Kamman, Affiant

Sworn to and subscribed before me on 6, MARCH, 2012 A.D.


(Signature of Notary Public)



(Name of Notary typed, printed or stamped)

Personally Known X or Produced Identification _____

**NOTICE OF
PUBLIC HEARING
TOWN OF
LAUDERDALE BY THE SEA, FLORIDA**

The Town of Lauderdale-By-The-Sea will hold a Public Hearing on Tuesday, March 13, 2012 at 7:00 p.m., or as soon thereafter as possible, in Jarvis Hall, 4505 Ocean Drive, Lauderdale-By-The-Sea, Florida to consider the following ordinances:

ORDINANCE 2012-01

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, FLORIDA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, OF THE CODE OF ORDINANCES, BY AMENDING SECTION 30-155, "DEFINITIONS", TO PROVIDE CLARITY FOR BUSINESS DISTRICT USES; BY AMENDING SECTION 30-181, "ESTABLISHMENT OF ZONING DISTRICTS" TO IDENTIFY THE EXISTING B-1-A ZONING DISTRICT; BY AMENDING ARTICLE V, "ZONING", DIVISION 2, "DISTRICTS", TO PROVIDE BUSINESS DISTRICT REGULATION PURPOSES AND SUPPLEMENTAL REGULATIONS, MODIFY THE PERMITTED AND CONDITIONAL USES IN THE B-1-A AND B-1 DISTRICTS AND PROVIDE REGULATIONS FOR CONVENIENCE STORES AND FOR OUTSIDE SEATING AREAS FOR RESTAURANTS; PROVIDING FOR SEVERABILITY, CONFLICTS, CODIFICATION, AND AN EFFECTIVE DATE.

ORDINANCE 2012-06

AN ORDINANCE OF THE TOWN OF LAUDERDALE-BY-THE-SEA, AMENDING CHAPTER 30, UNIFIED LAND DEVELOPMENT REGULATIONS, ARTICLE V. ZONING, SECTION 30-241, RM-25 DISTRICT - APARTMENTS TO PROVIDE CLARIFYING LANGUAGE AND CONDITIONAL USE REVIEWS FOR CURRENTLY PERMITTED USES; ARTICLE V. ZONING, SECTION 30-20, GENERAL PROVISIONS TO REVISE DEFINITIONS TO PROVIDE CLARITY AND DELETE UNUSED DEFINITIONS; AMENDING ARTICLE V. ZONING, SECTION 30-318, MINIMUM PARKING REQUIREMENTS, TO PROVIDE A LIMITED PARKING EXEMPTION IN EXCHANGE FOR BICYCLE FACILITIES FOR HOTEL/MOTEL USES; PROVIDING FOR CODIFICATION, SEVERABILITY, CONFLICTS AND AN EFFECTIVE DATE.

All interested parties may appear at said meeting and be heard with respect to the proposed ordinances. Copies of the proposed ordinances are available for inspection in the Town Clerk's Office located at 4501 Ocean Drive, Lauderdale-By-The-Sea, Florida, during regular business hours.

If any person decides to appeal any decision made with respect to any matter considered at these public meetings or hearings, he/she will need a record of the proceedings and for such purposes may need to insure that a verbatim recording of the proceedings is made, which records include the testimony and evidence upon which the appeal is to be based.

In accordance with the Americans with Disabilities Act and Florida Statute 286.26, persons with disabilities needing special accommodations to participate in these proceedings should contact the Town Clerk no later than two days prior to the meeting at (954) 640-4200 for assistance.
June White, Town Clerk